

APPLICANT(S): LEVY, Sharon  
SERIAL NO.: 09/459,598  
FILED: 12/14/1999  
Attorney Docket No.: P-5351-US  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Office Action and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1, 4-9, 11, 15-19, 21-24, 26, 27, 29-31 and 33 are pending in this application. Claims 43-49 are allowed. Claims 1 and 23 have been amended.

Withdrawn claims 2, 3, 10, 12-14, 20, 25, 28, 32 and 34-42 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications.

### **Allowable Subject Matter**

The Office Action stated that claims 43-49 are allowed.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 103 Rejections**

In the Action claims 1, 4-9, 11, 15-19, 21-24, 26, 27, 29-31, and 33 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Lerzar (USPN 6343368B1) further in view of Viterbi et. al. (USPN 5933462).

Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

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Regarding amended independent claims 1 and 23, the independent claims include limitations that are not disclosed or suggested by the combination of Lerzar and Viterbi et al..

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Lerzar and Viterbi et al. does not meet the requirements of an obvious rejection in that neither of the references disclose or suggest the element of "re-calculating in the predetermined direction starting from a stored reference vector of the stored reference vectors at least some of the state metric vectors" as claimed in amended claims 1 and 23.

Since Lerzar and Viterbi et al., taken separately, are devoid of any teaching or suggestion of the limitations recited in claim 1, the combination of Lerzar and Viterbi et al. must necessarily be devoid of the required teaching or suggestion of all the elements recited in claim 1. Consequently, the combination cannot make Applicant's claims 1 and 23 obvious.

Accordingly, Applicant respectfully requests that the rejection of claims 1 and 23 under 35 U.S.C. § 103(a) be withdrawn.

Applicant notes that claims 4-9, 11, 15, 16-19, 21 and 22 depend from claim 1 and claims 24, 26, 27, 29-31, and 33 depend from claim 23. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 4-9, 11, 15, 16-19, 21, 22, 24, 26, 27, 29-31, and 33 are similarly patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

In addition, Applicant note that Viterbi et al. is not cited as curing the deficiencies of Lerzar and does not, in fact, cure such limitations. In this regard, without conceding the appropriateness of the combination, or the characterization of such references vis a vis claims 1, 4-9, 11, 15, 16-19, 21-24, 26, 27, 29-31 and 33, Applicant respectfully submits that the combination of the Lerzar in view of Viterbi et al. references fail to disclose or suggest that which is claimed in amended claims 1 and 23 and dependent claims 4-9, 11, 15, 16-19, 21, 22, 24, 26, 27, 29-31, and 33. Accordingly, in addition to any independent bases for

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patentability, respectfully submit that claims 1, 4-9, 11, 15, 16-19, 21-24, 26, 27, 29-31 and 33 are similarly patentable over the cited references by virtue of at least such dependency.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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Dated: June 7, 2004

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